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Attorneys for Plaintiffs Marc Rivera, on behalf of
himself and other similarly situated

[Additional counsel listed on following page]

UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

MARC RIVERA, individually and on
behalf of himself and others similarly
situated,

Plaintiffs,

vs.

WESTERN EXPRESS, INC., doing
business as WESTERN EXPRESS
TRANSPORT OF CALIFORNIA,
INC., a Tennessee Corporation; and
DOES 1 through 10, inclusive,

Defendants.

CASE NO. 5:18-cv-01633-JGB-SHK

**NOTICE OF RENEWED MOTION
AND PLAINTIFFS' RENEWED
MOTION FOR PRELIMINARY
APPROVAL OF CLASS ACTION
SETTLEMENT**

Date: November 23, 2020
Time: 9:00 a.m.
Ct rm: 1, 2nd Floor
Judge: Hon. Jesus G. Bernal

1 **DAVID YEREMIAN & ASSOCIATES, INC.**

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17 Attorneys for Plaintiffs Jacquelyn Hutto, on behalf of
18 herself and other similarly situated
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1 **TO THE COURT, ALL PARTIES, AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT**, on November 23, 2020 at 9:00 a.m., or
3 as soon thereafter as the matter may be heard, in Courtroom 1 of the United States
4 District Court for the Central District of California, Eastern Division, 3470 Twelfth
5 Street, Riverside, California 92501, before the Honorable Jesus G. Bernal,
6 presiding, Plaintiffs Marc Rivera and Jacquelyn Hutto (“Plaintiffs”), on behalf of
7 themselves and all others similarly situated will, and hereby do, move this Court
8 for an Order which has the effect of doing the following:

9 1) Granting preliminary approval of the proposed Settlement set forth
10 more particularly in the Second Amended Joint Stipulation of Class Action
11 Settlement (“Settlement Agreement”) attached as Exhibit “1” to the Declaration of
12 J. Jason Hill, filed concurrently with this motion;

13 2) Certifying the proposed Class pursuant to Rule 23 of Federal Rules of
14 Civil Procedure for settlement purposes only;

15 3) Deeming the Second Amended Class Action Complaint, attached as
16 Exhibit A to the Settlement Agreement, filed for purposes of Settlement only;

17 4) Approving the Notice of Class Action Settlement and Change of
18 Address Form attached as Exhibits B and C to the Settlement Agreement;

19 5) Appointing Cohelan Khoury & Singer, Lebe Law APC, David
20 Yeremian & Associates, Inc. and Sommers Schwartz, P.C. as Class Counsel;

21 6) Appointing the Named Plaintiffs Marc Rivera and Jacquelyn Hutto
22 the Class Representatives;

23 7) Appointing CPT Group, Inc. as the Settlement Administrator;

24 8) Setting a Final Fairness Hearing to consider Final Approval of the
25 proposed settlement, which includes Plaintiffs’ request for an award of attorneys’
26 fees and litigation costs, Class Representative enhancement payments, and
27 Settlement Administrator’s expenses.

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1 This motion is made on the grounds that Marc Rivera and Jacquelyn Hutto
 2 (referred to together as “Plaintiffs”), on the one hand, and Western Express, Inc., a
 3 Tennessee Corporation, doing business as Western Express Transport of
 4 California, Inc., (“Defendant”), on the other hand, (collectively, the “Parties”),
 5 have reached a proposed Settlement which they believe to be fair, reasonable and
 6 adequate and in the best interests of the Class and the Parties.

7 This motion is based on this Notice of Renewed Motion, the Memorandum
 8 of Points and Authorities, Declarations of J. Jason Hill, David Yeremian, and
 9 Alvin B. Lindsay, the Settlement Agreement and its exhibits, the Proposed Order
 10 Granting Preliminary Approval of Class Action Settlement, all prior pleading and
 11 proceedings in this matter, and all other evidence and written and oral argument
 12 that will be submitted in support of the Motion.

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 14 **COHELAN KHOURY & SINGER**
 15 **LEBE LAW APC**
 16 **DAVID YEREMIAN & ASSOCIATES, INC.**
 17 **SOMMERS SCHWARTZ, P.C.**

18
 19 Dated: October 22, 2020

By: s/J. Jason Hill

J. Jason Hill

Attorneys for Plaintiffs MARC RIVERA and
 JACQUELYN HUTTO, individually and on
 behalf of others similarly situated